

Miranda Knight

From: William Hill <whill@frazierlawnc.com>
Sent: Friday, July 17, 2020 5:19 PM
To: Kristi Graunke; Elizabeth Haddix; Ben Pierce; Clyde Albright; Anthony J Biller
Cc: Miranda Knight
Subject: NACP

Kristi and Elizabeth:

Just wanted to follow up to determine if you have interest in discussing your concerns regarding courthouse/Monument access. Our deputies will obviously not enforce any purported violations of the rescinded Graham ordinance. We have discussed options which we feel is equal and constructional for demonstrations around the monument. However m, we again stand ready to discuss the issue with you.

Sent from my iPhone



Miranda Knight

From: William Hill <whill@frazierlawnc.com>
Sent: Saturday, July 18, 2020 8:53 PM
To: 'Kristi Graunke'
Cc: 'Elizabeth Haddix'; 'Ben Pierce'; 'Clyde Albright'; 'Miranda Knight';
ajbiller@michaelbest.com
Subject: RE: NACP

Kristi:

We are always willing to discuss the potential compromise of claims. I cannot comment on the points you raised herein but we are willing to talk about the various issues surrounding this matter.

We do not agree that the manager or BOC are appropriate defendants in this claim and believe the case law supports our position. However, the court will have to resolve that issue.

As with any other demand, I would have to run your request that we bear the brunt of mediator fees, should one be utilized. I have never seen such a request before a mediation; only as a final step in a settlement. I would prefer that not be a roadblock. I will provide our formal answer next week, but tend to doubt the county will be willing to obligate public funds in this manner.

One issue I would like to address is the logistics of any mediation given the current state of the COVID breakout. Utilizing a video feed of any kind has just not worked well in my experience. Phone is less than optimal, but has worked better, in my view. We could consider having no more than 2 lawyers per side and utilize a large room, if you wish to meet in person. I am amenable to that approach if you are.

Yes, I will represent the commissioners so please direct any communication in that regard to me.

I look forward to hearing your thought on the method to conduct the mediation. I have added Tony Biller to this communication.

From: Kristi Graunke <kgraunke@acluofnc.org>
Sent: Friday, July 17, 2020 6:23 PM
To: William Hill <whill@frazierlawnc.com>
Cc: Elizabeth Haddix <ehaddix@lawyerscommittee.org>; Ben Pierce <Ben.Pierce@alamance-nc.com>; Clyde Albright <Clyde.Albright@alamance-nc.com>; Miranda Knight <mknights@frazierlawnc.com>
Subject: Re: NACP

Mr. Hill:

Please see the attached letter.

Best,
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From: Elizabeth Haddix <ehaddix@lawyerscommittee.org>
Sent: Monday, July 20, 2020 10:00 AM
To: William Hill
Cc: 'Ben Pierce'; 'Clyde Albright'; 'Miranda Knight'; ajbiller@michaelbest.com; Kristi Graunke; Mark Dorosin; Vera Eidelman; Emerson Sykes; Scott Holmes
Subject: NAACP et al v. Peterman et al.- settlement discussions

Hi Bill:

We look forward to receiving your formal response—once we see that response we can collectively determine if mediation would be productive. We are flexible on mediation format.

Thanks,

Elizabeth

Elizabeth Haddix (*she, her*)
Managing Attorney
Regional Office, Lawyers Committee for Civil Rights Under Law
P.O. Box 956
Carrboro, NC 27510
Tel.: 919.521.8333
Fax: (202) 783-0857
Website: www.lawyerscommittee.org

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Sent from my iPhone

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Kristi Graunke

pronouns: she/her/hers

Legal Director

ACLU of North Carolina Legal Foundation

PO Box 28004, Raleigh NC 27611

Phone: 919-354-5066 | kgraunke@acluofnc.org

acluofnc.org | [@ACLU_NC](https://twitter.com/ACLU_NC)

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Miranda Knight

From: William Hill <whill@frazierlawnc.com>
Sent: Tuesday, July 21, 2020 1:56 PM
To: 'Elizabeth Haddix'
Cc: 'Ben Pierce'; 'Clyde Albright'; 'Miranda Knight'; ajbiller@michaelbest.com; ajbiller@michaelbest.com; 'Kristi Graunke'; 'Mark Dorosin'; 'Vera Eidelman'; 'Emerson Sykes'; 'Scott Holmes'
Subject: RE: NAACP et al v. Peterman et al.- settlement discussions

Good Afternoon Elizabeth:

I have added Tony Biller to this email. I have reviewed your letter with my clients. We are always willing to discuss things and we are willing to talk to you regarding the topics raised in your letter. The B.O.C. will not agree to bear the full burden of a mediator's costs up front.

However, here is what I would propose. Let's conduct a "meet and confer" among the attorneys. Of course, you are welcome to bring some or all of your clients should you so desire, but we envision a dialogue among various counsel of record.

On one occasion, we were able to use conference rooms at the Administrative office of courts in Raleigh. I would like to see if we could secure two rooms so we could each have private discussion as needed. They are roomy, have good acoustics, the acoustics worked well for people who wished to participate by phone. They also have a cafeteria which is convenient. The attorney general's office procured that space, but we are hopeful we could do so as it would suit our needs.

If you are amenable to this approach, please let me know and provide some dates and times that would work for you. We will then try and secure that space on a mutually convenient date.

If we cannot secure that space, I have another option in Raleigh which should also work.

From: Elizabeth Haddix <ehaddix@lawyerscommittee.org>
Sent: Monday, July 20, 2020 10:00 AM
To: William Hill <whill@frazierlawnc.com>
Cc: 'Ben Pierce' <Ben.Pierce@alamance-nc.com>; 'Clyde Albright' <Clyde.Albright@alamance-nc.com>; 'Miranda Knight' <mknight@frazierlawnc.com>; ajbiller@michaelbest.com; Kristi Graunke <kgraunke@acluofnc.org>; Mark Dorosin <mdorosin@lawyerscommittee.org>; Vera Eidelman <veidelman@aclu.org>; Emerson Sykes <ESykes@aclu.org>; Scott Holmes <scott.holmes@lockamylaw.com>
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From: Kristi Graunke <kgraunke@acluofnc.org>
Sent: Friday, July 24, 2020 4:55 PM
To: William Hill
Cc: Elizabeth Haddix; Ben Pierce; Clyde Albright; Miranda Knight; ajbiller@michaelbest.com; Mark Dorosin; Vera Eidelman; Emerson Sykes; Scott Holmes
Subject: Re: NAACP et al v. Peterman et al.- settlement discussions

Bill:

Thanks for your email. Last Friday, we sent you a letter containing relatively specific information about what kinds of changes and commitments our clients would likely want to see in order to resolve this case. We think it would be most productive to first hear back from you in response to those specific points and/or how your clients might propose to resolve the issues raised in our clients' amended complaint.

We appreciate that you have looped in Tony Biller, and are eager to hear whether his clients have interest in trying to resolve this case outside of the litigation process. We're certainly willing to make arrangements for a meet-and-confer once we hear more.

We look forward to hearing a more detailed response from you and welcome hearing from Tony regarding any interest on the part of his clients in engaging in settlement discussions.

Best,

Kristi

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To: 'Kristi Graunke'
Cc: 'Elizabeth Haddix'; 'Ben Pierce'; 'Clyde Albright'; 'Miranda Knight';
ajbiller@michaelbest.com; 'Mark Dorosin'; 'Vera Eidelman'; 'Emerson Sykes'; 'Scott Holmes'
Subject: RE: NAACP et al v. Peterman et al.- settlement discussions

Kristi:

We were mistaken about your letter. We thought you were inquiring whether we would be amenable to discussing the issues identified therein. The only thing off the table so too speak was your request we pay in full for a mediator, but we suggested a "meet and confer format" without a mediator.

We do not agree that the manager or BOC are appropriate defendants, but respect your view and will just have to let the court rule if we are unable to work things out.

We feel it would be more productive to meet and discuss these items. We have been responsive to issues you have raised, such as your concern about certain flagpoles carried by counter demonstrators. We would hope that our prompt attention to your concerns would demonstrate that we would sit down and discuss things in a good faith attempt to resolve the issues. We will continue to try and work with all parties to the best of our ability.

In the interim, we will discuss matters among ourselves and see if we can provide written responses for you. We hope to have something to you next week, likely Thursday or Friday. Have a nice weekend.

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